

REMARKS

This is in response to the final rejection mailed January 29, 2007. Entry of this Amendment, which clarifies the specification, removes all alleged new matter, and which includes amended claims to comply with 35 U.S.C. § 112 without altering the subject matter. Claim 6 has been amended to clearly define over the references cited against it.

In regard to the deletions from the specification, the incorporation by reference wording has been removed. Additionally, the reference to the prior art that was inserted in the last Amendment has been removed, and the wording relating to the signal from the weighing sensor being converted into a frequency signal by the signal processing circuit 18 has been removed. However, the process signal is applied to one interface of the MCU system 15 as a frequency signal, which is clearly disclosed in the original claims, and also in the original Abstract. It is believed therefore that the reference to the signal being provided to the MCU as a frequency signal is not new matter but the changes conform the specification to the original disclosure, namely claim 1 and the Abstract.

It is respectfully believed that all of the objections set forth in the Office Action in paragraphs 3 and 4 have been corrected.

Claim 1 has been amended to remove any of the references to new matter included in the specification and to conform the wording of the claim to that of the original disclosure as well as changing the wording more in line with method terminology. The claims which depend from claim 1 have been amended to clarify antecedent basis questions.

It is therefore respectfully believed that claims 1 and its dependent claims 2-5 are *prima facia* allowable.

Claim 6 has been amended to clearly define over the combination of the Yoshida European Patent No. 1,147,740 in view of Amerena U.S. Patent No. 4,860,753. First, the Amerena patent as previously pointed out deals with providing a current flow to each of the feet of the user standing on the measuring platform shown in Yoshida, with an input electrode, and an output signal electrode on the platform to be contacted by the separate feet of the user. Thus, as was pointed out, the Yoshida reference includes a high frequency constant current circuit that feeds the electrodes 4a,

one to each foot, to provide a constant current at a high frequency. A voltage measuring circuit 18 is used for measuring the voltage appearing between the voltage electrodes 4b, again one for each foot. This structure is entirely different from the measurement of body impedance utilizing the electrodes or groups of electrodes as claimed in claim 6. The reference to Amerena shows a measuring circuit that uses a small probe that has two closely spaced contacts that are intended to be touched against the skin of a person to essentially measure surface/moisture and that is all.

The Examiner has pointed out in the Office Action that Yoshida has a platform, computer, etc. but admitted that Yoshida does not disclose a positive feedback oscillator circuit for measuring a dielectric constant of body tissue and capacitive grid sensors.

Further, it is pointed out that Yoshida has no suggestion of using a dielectric constant as an input to the measurement system. It is respectfully submitted that therefore there is no suggestion or teaching of making the combination of Yoshida and the Amerena patent. While Amerena, as mentioned above teaches a probe for measuring skin moisture, the Yoshida disclosure does not in any way suggest that a dielectric constant measurement should be provided to the RC oscillator circuit providing the parameters outlined in claim 6. In other words, in order to make a legitimate combination, there must be some suggestion that one of the patents would be logically combined with the other. In this case, Yoshida's measuring device is complete without any suggestion, teaching, or any hint at all of the need for providing a dielectric constant. Instead, Yoshida passes a current into the feet of the user, and senses voltage at separate electrodes on each of the feet.

Amerena does not in any way suggest that the use of the disclosed probe would be useful in determining body weight. Amerena is directed solely to evaluating moisture content of the human skin. It is a hand held probe that contacts the skin and measures the moisture content between very closely spaced electrodes, which would contain no suggestion that it would be useful on a platform such as that shown in Yoshida, and certainly no suggestion that the signal produced by the Amerena device would be of any use at all in determining body weight.

Again, Yoshida does not teach or suggest that a dielectric constant of the human body would be useful in determining body weight. Yoshida relies only on passing currents through the body of the user and measuring an output voltage. The Amerena patent 4,860,753 contains no

suggestion that the signal it provides would be of any use in determining body weight. It thus is respectfully submitted that the combination of the two is not appropriate, and further the individual teachings do not render the present claim 6 obvious.

Further, claim 6 has been clarified by indicating that the capacitance grid sensors are for providing dielectric constant signals of body tissue under the skin to the positive feedback RC oscillator circuit. In addition, claim 6 has been amended so that the electrode plates, which are electrodes for measuring body impedance of a person standing thereon, are "to provide an impedance signal only, which is connected to said positive feedback RC oscillator circuit."

This structurally defines over the arrangement of Yoshida, and it also defines structurally and inventively over a combination of Yoshida with the Amerena patent. An impedance signal is provided in the present claim 6, not a voltage signal. The electrode plates that are used with the claim 6 structure do not act to carry currents to the feet of the user, nor is a voltage at each of the feet of the user measured, as in Yoshida.

It is respectfully submitted that claim 6 as amended is clearly allowable.

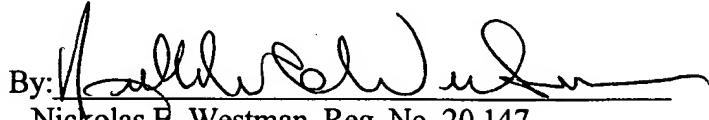
In regard to the comments or arguments previously presented that the present claim 6 device did not require any A/D converter, it is believed that this argument is fully supported by the claimed feature that the electrodes of claim 6 provide an impedance signal only, and not a voltage signal or any current signal as such. Further, it is respectfully asserted that there is absolutely no suggestion in either reference that the Amerena device should be logically added into the Yoshida device. The Amerena probe would have to be re-worked substantially, and used in a manner that would not be for the intended purpose of measuring surface skin moisture. Measuring the surface skin moisture of each of the feet would not provide the dielectric constant signals of body tissue under the skin, since, again, Amerena is a skin surface contact probe and skin moisture measurement device.

It is respectfully believed that the amendments place the case in condition for allowance, render all the claims definite, and modify claim 6 so it clearly defines over the references cited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Nickolas E. Westman, Reg. No. 20,147  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

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